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Attorney Personal Injury Creditors

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

IN RE:)	
)	Case No.: 14-61357-7
JOHN HENRY SCHNEIDER,)	
)	<u>NOTICE OF HEARING</u>
Debtor.)	Date: September 17, 2018
)	Time: 9:30 o'clock a.m.
)	Location: Mike Mansfield Fed. Courthouse
)	400 North Main Street, 2 nd Floor
)	Butte, Montana

OBJECTION TO APPLICATION FOR PROFESSIONAL FEES AND COSTS

Creditors Beverly Curtis, Michael Green, Harry Allan and Jo Ann Knopp, Sherry Lee, Estate of Russell Monaco, Harley Morrell, and Annette Thomas (“Personal Injury Creditors”) by and through their attorney James A. Patten, object to the Final Application for Professional Fees and Costs [Doc. # 592] on the following grounds:

Attorneys Waller & Womack and Goetz, Baldwin & Geddes seek final approval of their attorneys’ fees and costs as counsel for the trustee in the above entitled matter. The attorneys’

fees are contingent fees in the amount of \$483,314.34 for the Goetz firm and \$120,828.59 for Waller & Womack. The attorneys' application for employment on a contingent fee basis was filed on February 19, 2015 [Doc. # 50] and approved by an order of this Court on February 20, 2015 [Doc. # 51]. The order approving the employment specifies: "The reasonableness of any fee request will be determined pursuant to the standards specified in 11 U.S.C. § 330."

Section 330 identifies six factors as relevant to the reasonableness of professional fees requested. With respect to the six factors, the first factor of § 330(a)(3) is relevant to this objection: "(A) the time spent on such services." The Final Application provides no information regarding the time spent. The absence of such information precludes a consideration of all the factors specifically identified in § 330 and therefore fails to meet an express condition of the order approving the attorneys' employment.

The other factors of § 330, factors (B) through (F) are either not applicable to a contingent fee award or were met by the Final Application. Factor (B) is not applicable. Factors (C), (D), (E), and (F) are met. The attorneys successfully recovered \$1,760,357 for the benefit of the estate; their services were necessary; were performed within a reasonably expeditious time period; the attorneys demonstrated skill and experience; and the contingent fee is reasonably based on customary compensation charged by comparably skilled practitioners.

WHEREFORE, the Personal Injury Creditors object to the approval of the Final Application until the attorneys provide information pertinent to Factor (A) of § 330(a)(3) so that this Court can take such information into account in its determination of the reasonableness of the Final Application.

DATED this 23rd day of August, 2018.

PATTEN, PETERMAN, BEKKEDAH
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By: /s/JA Patten
James A. Patten
Attorneys for Personal Injury Creditors

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the 23rd day of August, 2018, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court's ECF transmission facilities and/or by mail on the following parties:

None

/s/JA Patten
Patten, Peterman, Bekkedahl & Green PLLC